

**SPECIAL MEETING
MINUTES**

A Special Meeting of the Mayor and Council was held on Zoom and called to order at 10:20AM Adequate notification was published in the official newspaper of the Borough of Montvale.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

Also Present: Mayor, Mike Ghassali; Borough Attorney, Dave Lafferty; Administrator, Joe Voytus; and Borough Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs	Councilmember Lane
Councilmember Cudequest	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

UNFINISHED BUSINESS:

- a. Appointment of Special Affordable Housing Litigation Counsel

Resolution 148a-2024 A Resolution Awarding a Professional Services Contract to King, Moench & Collins LLP to Serve as Special Counsel for Affordable Housing Litigation

WHEREAS, the Governing Body is desirous of hiring Special Counsel for Affordable Housing Litigation to represent the Borough (and other municipalities) in connection with a potential challenge to the recent legislation concerning Round 4 of the state-wide affordable housing obligations; and

WHEREAS, the Borough publicly solicited proposals for this work and received four (4) submissions; and

WHEREAS, the Borough has received a proposal from Michael Collins, Esq. of King, Moench & Collins LLP (“KMC”) to perform all services necessary and appropriate in connection with same; and

WHEREAS, KMC’s proposal sets forth a rate of \$225 per hour; and

WHEREAS, the Governing Body is satisfied that Mr. Collins and his firm possess the requisite experience pertaining to such matters and are the best situated to handle this matter among the submissions received; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-5(a)(i)*, a professional services contract is exempt from public bidding requirements; and

WHEREAS, because the value of this contract is anticipated to be in excess of \$17,500, this contract has been awarded after a “fair and open” process pursuant to *N.J.S.A. 19:44A-20.4 et seq.* (the “Pay-to-Play Law”), and has been awarded to the contractor based upon the merits and abilities of the contractor to provide the services necessary; and

WHEREAS, despite the fact that this contract was awarded under a “fair and open” process, Mr. Collins has nevertheless completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor his firm has made any reportable contributions (\$200 or more) to a political or candidate committee in the Borough of Montvale with the elected officials in the previous one year, and that the contract will prohibit said persons and entities from making any reportable contributions (\$200 or more) through the term of the contract; and

WHEREAS, the Governing Body is desirous of awarding a contract to KMC in an initial amount not to exceed \$30,000.00 without further authorization of the Governing Body, at the hourly rate set forth above; and

WHEREAS, it is the intention of the Borough that the cost of retaining KMC for the purpose set forth above shall be shared among numerous municipalities who have expressed support for this initiative; and

WHEREAS, the Borough’s Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that a contract is hereby awarded to Michael Collins, Esq. and King, Moench & Collins LLP to serve as Special Counsel for Affordable Housing Litigation, pursuant to the terms and conditions set forth herein; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and empowered to execute a contract consistent with the provisions and intent of this Resolution, subject to approval of same by the Borough Attorney; and

BE IT FURTHER RESOLVED that the Borough Clerk shall publish notice of this contract award in the official newspaper of the Borough, in accordance with *N.J.S.A. 40A:11-5*.

Dave Lafferty, Borough Attorney, stated an interview was conducted by himself, Mayor Ghassali and Joe, Borough Administrator, they discussed potential strategies. The firm is prepared to handle multiple municipalities in this fight. Dave continued by saying this firm is fully experience in this area of the law, they represent a number of municipalities in the State. One of the partners is a Mayor in the State as well. Dave recommends the hiring of this firm.

*Introduced by: Councilmember Cudequest; seconded by Councilmember Russo-Vogelsang
- a roll call was taken - all ayes*

MEETING OPEN TO THE PUBLIC:

HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

*Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Cudequest
- all ayes*

Mr. Buchner wanted to affirm what the borough is doing

*Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Cudequest
- all ayes*

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

Motion to adjourn by Councilmember Lane; seconded by Councilmember Russo-Vogelsang – all ayes

Meeting adjourned at 10:30am

Respectfully submitted, Frances Scordo, Municipal Clerk